

<p>(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT &amp; TRADEMARK OFFICE</p> <p style="text-align: center;"><b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b></p>		<p>ATTORNEY'S DOCKET NUMBER 112387</p> <p>U.S. APPLICATION NO. (if known, sec 37 C.F.R.1.5) 10/089,835</p>
<p>INTERNATIONAL APPLICATION NO. PCT/JP00/06979</p>	<p>INTERNATIONAL FILING DATE October 6, 2000</p>	<p>PRIORITY DATE CLAIMED October 7, 1999</p>
<p>TITLE OF INVENTION A METHOD OF TESTING FOR HEPATIC CIRRHOSIS USING A BREATH ANALYSIS APPARATUS AND THE APPARATUS</p>		
<p>APPLICANT(S) FOR DO/EO/US Kouichi ISHIKAWA et al.</p>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> </ol> <p><b>Items 11. to 16. below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment.</li> <li style="padding-left: 20px;"><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> Entitlement to small entity status is hereby asserted.</li> <li>16. <input checked="" type="checkbox"/> Other items or information: Response to Notification of Defective Response</li> </ol>		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/089,835	INTERNATIONAL APPLICATION NO. PCT/JP00/06979	ATTORNEY'S DOCKET NUMBER 112387
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17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO ....\$890.00  International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$710.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,040.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>																
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number Filed</th> <th style="width: 10%;">Number Extra</th> <th style="width: 10%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 84.00</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td>+ \$280.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate	Total Claims	- 20 =		X \$ 18.00	Independent Claims	- 3 =		X \$ 84.00	Multiple dependent claim(s)(if applicable)			+ \$280.00	\$	
Claims	Number Filed	Number Extra	Rate															
Total Claims	- 20 =		X \$ 18.00															
Independent Claims	- 3 =		X \$ 84.00															
Multiple dependent claim(s)(if applicable)			+ \$280.00															
<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$																	
Reduction by 1/2 for filing by small entity, if applicable.	- \$																	
<b>SUBTOTAL =</b>	\$																	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).	\$																	
<b>TOTAL NATIONAL FEE =</b>	\$																	
	Amount to be refunded	\$																
	Charged	\$																

a. <input type="checkbox"/> Check No. _____ in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed.	<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:          OLIFF &amp; BERRIDGE, PLC          P.O. Box 19928          Alexandria, Virginia 22320</p>
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Date: <u>October 28, 2002</u>	<div style="text-align: center;">          NAME: <u>James A. Oliff</u>          REGISTRATION NUMBER: <u>27,075</u> </div> <div style="text-align: center; margin-top: 20px;">          NAME: <u>Joel S. Armstrong</u>          REGISTRATION NUMBER: <u>36,430</u> </div>
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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kouichi ISHIKAWA et al.

Attn: PCT Branch

Application No.: 10/089,835

Docket No.: 112387

Filed: August 26, 2002

For: A METHOD OF TESTING FOR HEPATIC CIRRHOSIS USING A BREATH ANALYSIS APPARATUS AND THE APPARATUS

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**  
**UNDER 35 U.S.C 371 IN THE UNITED STATES DESIGNATED/**  
**ELECTED OFFICE (DO/EO/US) WITH COMPLETE DECLARATION**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

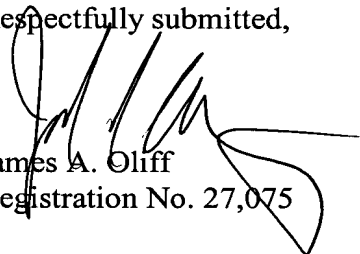
Sir:

In response to the Notification of Defective Response Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on October 21, 2002, submitted herewith is the complete executed Declaration of the inventors. Any specification attached to and referenced in the Declaration is a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notification of Missing Requirements. Accordingly, prompt issuance of a Notification of Acceptance and Official Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

Joel S. Armstrong  
Registration No. 36,430

JAO:JSA/mlb

Date: October 28, 2002

**OLIFF & BERRIDGE, PLC**  
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**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE</b> <b>AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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